

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTIAN POWELL

Plaintiff,

Civ. No.: 1:21-cv-721

v.

CITY OF JAMESTOWN,
CITY OF JAMESTOWN CLERK,
JAMESTOWN POLICE DEPARTMENT,
JAMESTOWN POLICE CHIEF TIMOTHY
JACKSON,
COUNTY OF CHAUTAUQUA,
CHAUTAUQUA COUNTY SHERIFF'S OFFICE,
CHAUTAUQUA COUNTY SHERIFF JAMES B.
QUATTRONE,
CHAUTAUQUA COUNTY UNDERSHERIFF
DARRYL W. BRALEY,
JOHN DOES 1-10, said names being fictitious but
intended to be any other individual/officers involved
in the within incident and employees of the CITY
OF JAMESTOWN and/or JAMESTOWN POLICE
DEPARTMENT in their individual and official
capacities, and
JOHN DOES 1-10, said names being fictitious but
intended to be any other individual/officers involved
in the within incident and employees of the
COUNTY OF CHAUTAUQUA and/or
CHAUTAUQUA COUNTY SHERIFF'S OFFICE in
their individual and official capacities,

Defendants.

NOTICE OF MOTION

NATURE OF ACTION: Negligence / Intentional Tort / Civil Rights.

MOVING PARTY: Defendants, County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone, Chautauqua County Undersheriff Darryl W. Braley, and John Doe(s) being employees of the County of Chautauqua and/or Chautauqua County Sheriff's Office (collectively the "County Defendants").

DIRECTED TO: Plaintiff.

DATE, TIME, & PLACE: To be scheduled and determined by the Court.

SUPPORTING PAPERS: Declaration of Peter L. Veech, with Exhibits A-B, Declaration of Stephen Madonia, with Exhibit A, and the County Defendants' Memorandum of Law.

ANSWERING PAPERS: If any, are due fourteen (14) days from the service of this motion pursuant to Local Rule 7(b)(2)(B), unless the Court issues an Order setting deadlines pursuant to Local Rule 7(b)(1).

REPLY PAPERS: Defendants intend to file and serve reply papers.

RELIEF REQUESTED: An Order dismissing Plaintiff's Complaint against the County Defendants, in its entirety and with prejudice, together with such other and further relief as the Court deems to be necessary, just, and proper.

GROUND FOR RELIEF: F.R.C.P. 12(b)(6), CPLR 3211(a)(1), and 3211(a)(7).

ORAL ARGUMENT: Requested.

Dated: July 14, 2021

WEBSTER SZANYI LLP

Attorneys for Defendants,
County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone, Chautauqua County Undersheriff Darryl W. Braley, and John Doe(s) being employees of the County of Chautauqua and/or Chautauqua County Sheriff's Office

By: s/Peter L. Veech

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City of Jamestown-Corporation Counsel

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Attorneys for Defendants,

City of Jamestown, City of Jamestown Clerk,

Jamestown Police Department,

Jamestown Police Chief Timothy Jackson, and

John Doe(s) being employees of the City of Jamestown

and/or Jamestown Police Department

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